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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,496	07/22/2002	Masaya Mori	JP920010178U	4853
25299	7590	05/06/2005	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			AUVE, GLENN ALLEN	
			ART UNIT	PAPER NUMBER
			2111	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/064,496

Applicant(s)

MORI ET AL.

Examiner

Glenn A. Auve

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/14/2005 & 3/1/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemmon et al., U.S. Pat. No. 6,807,609 B1 (previously cited).

3. Claims 16-18 are quite broadly stated, and they are being given their broadest reasonable interpretation.

As per claim 16, Lemmon shows a method comprising the steps of: outputting a first signal to a bus from a first input/output circuit, said first signal being data of said first data input/output circuit (write data goes from the I/O circuit of the memory controller 11 to bus 19, sub-bus 16); taking in said first signal from said bus by a second data input/output circuit (the appropriate memory module receives the data over the bus); and outputting said first signal to said bus by said second data input/output circuit (when the data of the "first signal" is requested by the CPU it is written back to bus 19 via the I/O circuitry of the memory module, see col.3, line 57- col.4, line 39). Lemmon shows all of the steps recited in claim 16.

As for claim 17, the argument for claim 16 applies. Lemmon also shows outputting a second signal to said bus by said second data input/output circuit, the second signal being data of said second data input/output circuit, after said second data input/output circuit outputs said first signal to said bus (cols. 3-4 in that further data read requests are handled and it is possible

that the data of the "first signal" is written to and read from the memory module followed by another read request reading different data from the memory module). Lemmon shows all of the steps recited in claim 17.

As for claim 18, the argument for claim 17 applies. Lemmon also shows taking in said second signal from said bus by said first data input/output circuit after said second data input/output circuit outputs said second signal to said bus (the memory control logic receives the read data via bus 19 from the memory module); and outputting said second signal to said bus by said first data input/output circuit (the data read by the memory controller can be written back to the memory module on a subsequent memory write operation). Lemmon shows all of the steps recited in claim 18.

#### ***Allowable Subject Matter***

4. Claims 1-15 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: applicant's arguments on pages 13-17 of the response filed 14 February 2005 are persuasive regarding the previous prior art rejection of claim 1-4.

With regard to independent claims 5 and 11, the prior art does not appear to show at least the relay lines as claimed in combination with the other elements of the claims.

#### ***Response to Arguments***

6. Applicant's arguments, see pages 9-17, filed 14 February 2005, with respect to the rejection(s) of claim(s) 2 and 5-18 under 35 USC 112, 2<sup>nd</sup> paragraph and the prior art rejection of claims 1-4 as noted above have been fully considered and are persuasive. Therefore, the

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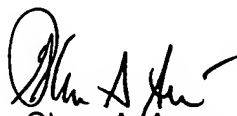
rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lemmon as noted above for claims 16-18.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (571) 272-3623. The examiner can normally be reached on M-F 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn A. Auve  
Primary Examiner  
Art Unit 2111

gaa  
3 May 2005